

On broadcast flag and similar proposals:

I do not want to see anything resembling a broadcast flag on my television or PVR. These regulations reverse the supreme court ruling of Sony v. Betamax. Adding this regulation brings broadcasts under DMCA protection, stonewalling unregulated and fair use of copyrighted material. Broadcasters desire this regulation because it will provide legal liability where they do not desire technological innovation.

The broadcast flag does not serve the public's interests. It attempts to usurp fair and expected usage of broadcast content, already covered under Copyright Law, by placing broadcasts under the untouchable veil of the DMCA's "copy protection" provisions. Your single bit field outlaws all expectations of acceptable use.

Lastly, there is no history of good conduct on the part of Hollywood, advertisers, or broadcasters in general, when given a legal foothold, or leverage, in exchange for industry. In this case, broadcasters would be given the power to ignore Copyright Law. There would be no industry or infrastructure traded for this right. The public's domain of usage should not be bartered as a carrot for luring broadcasters to HDTV -- a now 20-year-old standard that is nearing its replacement age in countries such as Japan.

With the DMCA, possibly the SSSCA, and the broadcast flag in place, broadcasters would have the power to establish a second-tier content regulation system. This time, they would use the FCC and Congress (law and regulation) as their medium instead of EM fields. This would be good business for established broadcasters, the bigger the better. It would wall out new competitors in the "content" industry. If this comes to pass, it could place our cultural development and health in virtual stasis, or an increasingly degenerate state.

Given the fronts I have presented, it seems an extremely raw deal for American, Americans, and the FCC itself. We, all of us, get nothing from this, and are asked to give up a great deal. I ask that wise counsel be taken.

Sincerely,  
John Christopher Jones